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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,128	05/24/2001	Filips Van Lier	NL 000279	1112

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EXAMINER

YANG, RYAN R

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 04/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,128

Applicant(s)

VAN LIERE, FILIPS

Examiner

Ryan R Yang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

1. Claims 1-13 are pending in this application. Claims 1 and 13 are independent claims. This Action is non-final.
2. This application claims foreign priority dated 5/24/2000.
3. The present title of the invention is "Method and apparatus for shorthand processing of medical image, wherein mouse positionings and/or actuations will immediately control inherent image processing functions, and a pertinent computer program".

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Regarding claims 6 and 12, the phrase "such as" renders the claims indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

The phrase "viz a viz" is not defined in a commonly used dictionary (Merriam Webster's Collegiate Dictionary, Tenth Edition). Examiner assumes the phrase means "such as", which is not an acceptable expression for the reason stated above.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3-5, 7, 9-11 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Chekerylla (6,084,598).

As per claim 1, Chekerylla discloses a method for processing cursored user interaction with a spatially displayed medical image for performing image processing on such an image, being characterized in that mouse positionings and/or actuations will control inherent processing functionalities as immediately actuating respectively associated specific sensitive areas at predetermined relative positions with respect to an associated medical object display field (Figure 2 is a layout of user controls from mouse operations, column 9, line 51-63).

8. As per claim 3, Chekerylla demonstrated all the elements as applied to the rejection of independent claim 1, supra, and further discloses selecting image mirror or rotation transformations (Figure 5).

9. As per claim 4, Chekerylla demonstrated all the elements as applied to the rejection of independent claim 1, supra, and further discloses selecting image zoom or pan transformations (Figure 2 209 and 210).

10. As per claim 5, Chekerylla demonstrated all the elements as applied to the rejection of independent claim 1, supra, and further discloses selecting shutter masking

of the display field ("the computer program ... uses bitmap masks to apply the changes to an irregular section of the whole image", column 8, line 7-12).

11. As per claim 7, Chekerylla demonstrated all the elements as applied to the rejection of independent claim 1, supra, and further discloses effecting processing of cursored user interactions with a spatially displayed medical image for producing graphics related data on such image, being characterized through sensing means for sensing mouse positionings and/or actuations feeding processing means to control inherent processing functionalities as immediately actuating respectively associated specific sensitive areas at predetermined relative positions with respect to an associated medical object display field (Figure 2 is a layout of user controls from mouse operations, column 9, line 51-63).

12. As per claim 9, Chekerylla demonstrated all the elements as applied to the rejection of claim 7, supra, and further discloses having selection means for selecting image mirror or rotation transformations (Figure 5).

13. As per claim 10, Chekerylla demonstrated all the elements as applied to the rejection of claim 7, supra, and further discloses having selection means for selecting image zoom or pan transformations (Figure 2 209 and 210).

14. As per claim 11, Chekerylla demonstrated all the elements as applied to the rejection of claim 7, supra, and further discloses having selection means for selecting edged shutter masking of the display field ("the computer program ... uses bitmap masks to apply the changes to an irregular section of the whole image", column 8, line 7-12).

15. As per claim 13, Chekerylla discloses a machine-readable computer program (column 4, line 31-33), said program being arranged for processing censored user interaction with a spatially displayed medical image for performing image processing on such an image, for implementing a method as claimed in claim 1, said program being characterized by being arranged for sensing mouse positionings and/or actuations and for on the basis thereon effecting inherent processing functionalities as being based on such positionings being respectively associated to one or more sensitive areas with respect to an associated medical object display field, and for subsequently controlling outputting representations of said processing functionalities (Figure 2).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chekerylla as applied to claim 1 above, and further in view of Motzer (6,301,512).

As per claim 2, Chekerylla demonstrated all the elements as applied to the rejection of independent claim 1, supra.

Chekerylla discloses a method of modifying graphic image through mouse actuation. It is noted that Chekerylla does not explicitly disclose the function of selecting

grey range and/or color range windowing through geometrical mouse positioning, however, this is known in the art as taught by Motzer. Motzer discloses a graphical display system in which the color range of the image can be adjusted through mouse actuation (Figure 13C 392).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Motzer into Chekerylla because Chekerylla discloses a method of modifying graphical image through mouse actuation and Motzer discloses the color of the image can be adjusted in order to better understand the resulted image.

18. As per claim 8, Chekerylla demonstrated all the elements as applied to the rejection of claim 7, supra.

Chekerylla discloses an apparatus of modifying graphic image through mouse actuation. It is noted that Chekerylla does not explicitly disclose the function of selecting grey range and/or color range windowing through geometrical mouse positioning, however, this is known in the art as taught by Motzer. Motzer discloses a graphical display system in which the color range of the image can be adjusted through mouse actuation (Figure 13C 392).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Motzer into Chekerylla because Chekerylla discloses an apparatus of modifying graphical image through mouse actuation and Motzer discloses the color of the image can be adjusted in order to better understand the resulted image.

19. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chekerylla as applied to claim 1 above, and further in view of Goldberg et al. (5,963,203).

As per claim 6, Chekerylla demonstrated all the elements as applied to the rejection of independent claim 1, supra.

Chekerylla discloses a method of modifying graphic image through mouse actuation. It is noted that Chekerylla does not explicitly disclose the function of selectably navigating through a sequence of images that base on marginal stepping viz a viz an imaged object, however, this is known in the art as taught by Goldberg et al., hereinafter Goldberg. Goldberg discloses a method of viewing a sequence of image in which "selection of basic frames/objects for the root image, extractable objects and the like by stepping slowly through the video sequence and, for example, using a mouse to place a cursor on frames or points of frames which are of interest", column 14, line 14-18.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Goldberg into Chekerylla because Chekerylla discloses a method of modifying graphic image through mouse actuation and Goldberg discloses a method of stepping a sequence of stored images in order to increase the viewing options of the images.

20. As per claim 12, Chekerylla and Goldberg demonstrated all the elements as applied to the rejection of claim 8, supra, Goldberg further discloses having navigation

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means for selectably navigating through a sequence of images that base on marginal stepping viz a viz an imaged object (Figure 2).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Goldberg into Chekerylla because Chekerylla discloses a method of modifying graphic image through mouse actuation and Goldberg discloses a method of stepping a sequence of stored images in order to increase the viewing options of the images.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inquiries

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ryan Yang** whose telephone number is **(703) 308-6133**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi**, can be reached at **(703) 305-4713**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

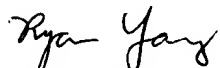
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or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.


Ryan Yang
April 21, 2003